

Exhibit B-1 to Notice of Removal

At IAS Part _____ of the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse located at 60 Centre Street, New York, New York, on the _____ day of February, 2013.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Plaintiff Viscogliosi Brothers, LLC (“Plaintiff”), having duly made an application to this Court for an Order pursuant to C.P.L.R. § 306-b and § 2004 for an extension of time to serve defendants Olympus Corporation and Olympus Biotech Corporation (together, “Defendants”) with the Summons with Notice in the above-captioned action, and Plaintiff’s application having been duly submitted to the Ex Parte Clerk, and

Upon the reading and filing of the Affirmation of Paul H. Schafhauser, attorney for Plaintiff, dated February 6, 2013, and the exhibits annexed thereto, showing good cause for an extension of time pursuant to C.P.L.R. § 306-b and § 2004 to serve Defendants with the Summons with Notice in the above-captioned action, and after due deliberation having been had thereon;

NOW, on the application of Herrick, Feinstein LLP, attorneys for Plaintiff, it is hereby ORDERED, that Plaintiff's time to serve the Summons with Notice on Defendants shall be and hereby is extended 120 days from February 11, 2013 to June 11, 2013.

ENTER:

J.S.C.

Exhibit B-2 to Notice of Removal

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK-----X
VISCOGLIOSI BROTHERS, LLC,

: Index No. 653587/2012

: Plaintiff,

: - against -

: **AFFIRMATION OF**
PAUL H. SCHAFHAUSEROLYMPUS CORPORATION, OLYMPUS BIOTECH
CORPORATION and JOHN DOES 1-25,: Defendants.
: -----X

PAUL H. SCHAFHAUSER, an attorney admitted to practice before the Courts of the State of New York, affirms, under the penalties of perjury, as follows:

1. I am a member of Herrick, Feinstein LLP, the attorneys for plaintiff Viscogliosi Brothers, LLC (“Plaintiff”) in connection with the above-captioned matter. I am fully familiar with the facts and circumstances stated herein.

2. I submit this Affirmation in support of Plaintiff’s application for an Order pursuant to C.P.L.R. §306-b and § 2004 extending its time to serve the Summons with Notice in this action upon defendants Olympus Corporation and Olympus Biotech Corporation (together, “Defendants”).

3. Plaintiff filed a Summons with Notice with this Court on October 12, 2012. (A true and copy of the Summons with Notice is annexed hereto as Exhibit A.) Pursuant to C.P.L.R. § 306-b, the Summons with Notice must be served within 120 days of filing. This period will be expiring on or about February 11, 2013.

4. Plaintiff seeks the extension because Plaintiff is exploring various alternatives regarding this matter and, to avoid needlessly burdening Defendants or the Court in the

meantime, wishes to extend the time to serve the Summons with Notice. Moreover, it should be noted that Olympus Corporation is a Japanese corporation and service is usually effectuated under the complex international service provisions and regulations of the Hague Convention.

5. Counsel for Defendants has consented to the 120-day extension sought by Plaintiff.

6. No prior request for the relief sought herein has been made to this Court or to any other court.

Dated: New York, New York
February 6, 2013

/s/ Paul H. Schafhauser
PAUL H. SCHAFHAUSER

Exhibit B-3 to Notice of Removal

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

VISCOGLIOSI BROTHERS, LLC,

-X

: Index No.

Plaintiff,

: Date Index No. Purchased:

- against -

**SUMMONS WITH
NOTICE**OLYMPUS CORPORATION, OLYMPUS BIOTECH
CORPORATION and JOHN DOES 1-25,

Defendants.

:

:

:

:

:

-X

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to appear in this action by serving a notice of appearance on the plaintiff at the address set forth below, and to do so within twenty (20) days after the service of this Summons (not counting the day of service itself), or within thirty (30) days after service is complete if the summons is not delivered personally to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to answer or appear, a judgment will be entered against you by default for the relief demanded below.

Dated: New York, New York
October 12, 2012

HERRICK, FEINSTEIN LLP

By:

Arthur Jakoby, Esq.

Paul H. Schafhauser, Esq.

Attorneys for Plaintiff

Two Park Avenue

New York, New York 10016

(212) 592-1400

To: Olympus Corporation
Shinjuku Monolith
3-1 Nishi-Shinjuku 2-Chome
Shinjuku-ku, Tokyo 163-0914
Japan

Olympus Biotech Corporation
35 South Street
Hopkinton, Massachusetts 01748
USA

NOTICE:

The nature of this action is (1) breach of contract; (2) breach of the implied covenant of good faith and fair dealing; (3) fraudulent inducement; (4) fraud, misrepresentation, and fraudulent omission; (5) unlawful conspiracy to defraud; (6) negligent misrepresentation; (7) tortious interference; (8) promissory estoppel and detrimental reliance; (9) unjust enrichment; (10) specific performance; (11) libel, slander, and/or defamation *per se*; (12) libel, slander, and/or defamation; (13) preliminary and permanent injunctive relief; (14) Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961, et seq.; and (15) fees, costs, and expenses.

The relief sought includes compensatory, punitive, and treble damages, specific performance and enforcement of defendants' commitments and agreements to plaintiff, injunctive relief, pre- and post-judgment interest, attorneys' fees, costs of suit, and such other and further relief as this Court may deem just and equitable.

Should defendants fail to appear herein, judgment in plaintiff's favor will be entered by default for compensatory, punitive and treble damages, presently anticipated to total the sum of \$100,000,000.00, with interest from the date of this action and the costs of this action.

VENUE:

Plaintiff designates New York County as the place of trial in this matter. The basis of this designation is plaintiff's residence in New York County.

Exhibit B-4 to Notice of Removal

REQUEST FOR JUDICIAL INTERVENTION

UCS-840 (3/2012)

Supreme	COURT, COUNTY OF	New York	For Court Clerk Use Only:
Index No: 653587/12		Date Index Issued: 10/12/2012	IAS Entry Date
CAPTION: Enter the complete case caption. Do not use et al or et al. If more space is required, attach a caption rider sheet.			Judge Assigned
			RJI Date
VISCOGLIOSI BROTHERS, LLC,			
Plaintiff(s)/Petitioner(s)			

-against-

OLYMPUS CORPORATION, OLYMPUS BIOTECH CORPORATION and JOHN DOES 1-25,	Defendant(s)/Respondent(s)
--	----------------------------

NATURE OF ACTION OR PROCEEDING: Check ONE box only and specify where indicated.	
MATRIMONIAL <p><input type="radio"/> Contested NOTE: For all Matrimonial actions where the parties have children under the age of 18, complete and attach the MATRIMONIAL RJI Addendum.</p>	
TORTS <p><input type="radio"/> Asbestos <input type="radio"/> Breast Implant <input type="radio"/> Environmental: _____ (specify)</p> <p><input type="radio"/> Medical, Dental, or Podiatric Malpractice <input type="radio"/> Motor Vehicle <input type="radio"/> Products Liability: _____ (specify)</p> <p><input type="radio"/> Other Negligence: _____ (specify)</p> <p><input type="radio"/> Other Professional Malpractice: _____ (specify)</p> <p><input type="radio"/> Other Tort: _____ (specify)</p>	
OTHER MATTERS <p><input type="radio"/> Certificate of Incorporation/Dissolution [see NOTE under Commercial] <input type="radio"/> Emergency Medical Treatment <input type="radio"/> Habeas Corpus <input type="radio"/> Local Court Appeal <input type="radio"/> Mechanic's Lien <input type="radio"/> Name Change <input type="radio"/> Pistol Permit Revocation Hearing <input type="radio"/> Sale or Finance of Religious/Not-for-Profit Property <input type="radio"/> Other: _____ (specify)</p>	
COMMERCIAL <p><input type="radio"/> Business Entity (including corporations, partnerships, LLCs, etc.) <input checked="" type="radio"/> Contract <input type="radio"/> Insurance (where insurer is a party, except arbitration) <input type="radio"/> UCC (including sales, negotiable instruments) <input type="radio"/> Other Commercial: _____ (specify)</p> <p>REAL PROPERTY: How many properties does the application include?</p> <p><input type="radio"/> Condemnation <input type="radio"/> Mortgage Foreclosure (specify): _____ <input type="radio"/> Residential <input type="radio"/> Commercial</p> <p>Property Address: _____ Street Address _____ City _____ State _____ Zip _____</p> <p>NOTE: For Mortgage Foreclosure actions involving a one- to four-family, owner-occupied, residential property, or an owner-occupied condominium, complete and attach the FORECLOSURE RJI Addendum.</p> <p><input type="radio"/> Tax Certiorari - Section: _____ Block: _____ Lot: _____ <input type="radio"/> Tax Foreclosure <input type="radio"/> Other Real Property: _____ (specify)</p>	
SPECIAL PROCEEDINGS <p><input type="radio"/> CPLR Article 75 (Arbitration) [see NOTE under Commercial] <input type="radio"/> CPLR Article 78 (Body or Officer) <input type="radio"/> Election Law <input type="radio"/> MHL Article 9.60 (Kendra's Law) <input type="radio"/> MHL Article 10 (Sex Offender Confinement-Initial) <input type="radio"/> MHL Article 10 (Sex Offender Confinement-Review) <input type="radio"/> MHL Article 81 (Guardianship) <input type="radio"/> Other Mental Hygiene: _____ (specify) <input type="radio"/> Other Special Proceeding: _____ (specify)</p>	

STATUS OF ACTION OR PROCEEDING:	Answer YES or NO for EVERY question AND enter additional information where indicated.		
---------------------------------	---	--	--

		YES	NO
Has a summons and complaint or summons w/notice been filed?		<input checked="" type="radio"/>	If yes, date filed: 10/12/2012
Has a summons and complaint or summons w/notice been served?		<input type="radio"/>	<input checked="" type="radio"/> If yes, date served: _____
Is this action/proceeding being filed post-judgment?		<input type="radio"/>	<input checked="" type="radio"/> If yes, judgment date: _____

NATURE OF JUDICIAL INTERVENTION:

NATURE OF JUDICIAL INTERVENTION: _____ Check ONE box only AND enter additional information where indicated.

Infant's Compromise
 Note of Issue and/or Certificate of Readiness
 Notice of Medical, Dental, or Podiatric Malpractice Date Issue Joined: _____
 Notice of Motion Relief Sought: _____ Return Date: _____
 Notice of Petition Relief Sought: _____ Return Date: _____
 Order to Show Cause Relief Sought: _____ Return Date: _____
 Other Ex Parte Application Relief Sought: _____
 Poor Person Application
 Request for Preliminary Conference
 Residential Mortgage Foreclosure Settlement Conference
 Writ of Habeas Corpus
 Other (specify): _____

RELATED CASES:

List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases. If additional space is required, complete and attach the **RJI Addendum**. If none, leave blank.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

PARTIES:

For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in space provided.
If additional space is required, complete and attach the **RJI Addendum**.

Un-Rep	Parties:	Attorneys and/or Unrepresented Litigants:					Issue Joined (Y/N):	Insurance Carrier(s):
	List parties in caption order and indicate party role(s) (e.g. defendant; 3rd-party plaintiff).	Provide attorney name, firm name, business address, phone number and e-mail address of all attorneys that have appeared in the case. For unrepresented litigants, provide address, phone number and e-mail address.						
<input type="checkbox"/>	VISCOGLIOSI BROTHERS, LLC Last Name Plaintiff First Name Primary Role: Secondary Role (if any):	Schafhauser Last Name Herrick, Feinstein LLP 2 PARK AVENUE Street Address +1 (212) 592-1400 Phone	Paul First Name Firm Name NEW YORK City +1 (212) 592-1500 Fax		New York State 10016 Zip pschafhauser@herrick.com e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO		
<input checked="" type="checkbox"/>	OLYMPUS CORPORATION Last Name Defendant First Name Primary Role: Secondary Role (if any):		Last Name 3-1 NISHI-SHINJUKU 2-CHOME Street Address Phone	Firm Name SHINJUKU-KU, TOKYO City Fax	First Name State Zip e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO		
<input checked="" type="checkbox"/>	OLYMPUS BIOTECH CORPORATION Last Name Defendant First Name Primary Role: Secondary Role (if any):		Last Name 35 SOUTH STREET Street Address Phone	Firm Name HOPKINTON City Fax	First Name Massachusetts 01748 State Zip e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO		
<input checked="" type="checkbox"/>	JOHN DOES 1-25 Last Name Secondary Role (if any):		Last Name Street Address City Phone Fax	Firm Name City State Zip e-mail	First Name	<input type="radio"/> YES <input checked="" type="radio"/> NO		

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING.

Dated: 02/06/2013

2592590

ATTORNEY REGISTRATION NUMBER

PRINT OR TYPE NAME

SIGNATURE

Paul H. Schaffhauser

[Print Form](#)

Exhibit B-5 to Notice of Removal

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF New York

VISCOGLIOSI BROTHERS, LLC

-against-

OLYMPUS CORPORATION, et al.

Plaintiff(s)/Petitioner(s)

Defendant(s)/Respondent(s)

x Index No. 653587/12

RJI No. (if any)

COMMERCIAL DIVISION

Request for Judicial Intervention Addendum

COMPLETE WHERE APPLICABLE [add additional pages if needed]:

Plaintiff/Petitioner's cause(s) of action [check all that apply]:

Breach of contract or fiduciary duty, fraud, misrepresentation, business tort (e.g. unfair competition), or statutory and/or common law violation where the breach or violation is alleged to arise out of business dealings (e.g. sales of assets or securities; corporate restructuring; partnership, shareholder, joint venture, and other business agreements; trade secrets; restrictive covenants; and employment agreements not including claims that principally involve alleged discriminatory practices)

Transactions governed by the Uniform Commercial Code (exclusive of those concerning individual cooperative or condominium units)

Transactions involving commercial real property, including Yellowstone injunctions and excluding actions for the payment of rent only

Shareholder derivative actions — without consideration of the monetary threshold

Commercial class actions — without consideration of the monetary threshold

Business transactions involving or arising out of dealings with commercial banks and other financial institutions

Internal affairs of business organizations

Malpractice by accountants or actuaries, and legal malpractice arising out of representation in commercial matters

Environmental insurance coverage

Commercial insurance coverage (e.g. directors and officers, errors and omissions, and business interruption coverage)

Dissolution of corporations, partnerships, limited liability companies, limited liability partnerships and joint ventures — without consideration of the monetary threshold

Applications to stay or compel arbitration and affirm or disaffirm arbitration awards and related injunctive relief pursuant to CPLR Article 75 involving any of the foregoing enumerated commercial issues — without consideration of the monetary threshold

Plaintiff/Petitioner's claim for compensatory damages [exclusive of punitive damages, interest, costs and counsel fees claimed]:

\$ 100,000,000

Plaintiff/Petitioner's claim for equitable or declaratory relief [brief description]:

Breach of contact, breach of implied covenant of good faith and fair dealing, fraudulent inducement, fraud, misrepresentation, and fraudulent omission, unlawful conspiracy to defraud, negligent misrepresentation, tortious interference, promissory estoppel and detrimental reliance, unjust enrichment, specific performance, libel, slander, and/or defamation, injunctive relief, and RICO claims

Defendant/Respondent's counterclaim(s) [brief description, including claim for monetary relief]:

I REQUEST THAT THIS CASE BE ASSIGNED TO THE COMMERCIAL DIVISION. I CERTIFY THAT THE CASE MEETS THE JURISDICTIONAL REQUIREMENTS OF THE COMMERCIAL DIVISION SET FORTH IN 22 NYCR 202.70(a), (b) AND (c).

Dated: 02/06/2013

SIGNATURE

Paul H. Schafhauser

PRINT OR TYPE NAME

Exhibit B-6 to Notice of Removal

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTYPRESENT: JEFFREY K. OING
J.S.C.
JusticePART 48Index Number: 653587/2012
VISCOGLIOSI BROTHERS, LLC

INDEX NO. _____

VS.
OLYMPUS CORPORATION
SEQUENCE NUMBER: 001
EXTEND TIME

MOTION DATE _____

MOTION SEQ. NO. _____

The following papers, numbered 1 to _____, were read on this motion to/or _____

Notice of Motion/Order to Show Cause — Affidavits — Exhibits _____ | No(s). _____

Answering Affidavits — Exhibits _____ | No(s). _____

Replying Affidavits _____ | No(s). _____

Upon the foregoing papers, it is ordered that this motion is

*Order signed herewith.*MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE _____
FOR THE FOLLOWING REASON(S): _____Dated: 2/8/13
JEFFREY K. OING
J.S.C.

1. CHECK ONE: CASE DISPOSED NON-FINAL DISPOSITION

2. CHECK AS APPROPRIATE: MOTION IS: GRANTED DENIED GRANTED IN PART OTHER

3. CHECK IF APPROPRIATE: SETTLE ORDER SUBMIT ORDER

DO NOT POST FIDUCIARY APPOINTMENT REFERENCE

At IAS Part 48 of the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse located at 60 Centre Street, New York, New York, on the 24 day of February, 2013.

JEFFREY K. OING
J.S.C.

P R E S E N T : _____
Justice

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----x
VISCOGLIOSI BROTHERS, LLC, : Index No. 653587/2012
: Plaintiff, :
: - against - :
: OLYMPUS CORPORATION, OLYMPUS BIOTECH :
: CORPORATION and JOHN DOES 1-25, :
: Defendants. :
:-----x
-----x

MOTION SEQUENCE # 001

Plaintiff Viscogliosi Brothers, LLC ("Plaintiff"), having duly made an application to this Court for an Order pursuant to C.P.L.R. § 306-b and § 2004 for an extension of time to serve defendants Olympus Corporation and Olympus Biotech Corporation (together, "Defendants") with the Summons with Notice in the above-captioned action, and Plaintiff's application having been duly submitted to the ^{Court} ~~Ex Parte~~ Clerk, and

Upon the reading and filing of the Affirmation of Paul H. Schafhauser, attorney for Plaintiff, dated February 6, 2013, and the exhibits annexed thereto, showing good cause for an extension of time pursuant to C.P.L.R. § 306-b and § 2004 to serve Defendants with the Summons with Notice in the above-captioned action, and after due deliberation having been had thereon;

NOW, on the application of Herrick, Feinstein LLP, attorneys for Plaintiff, it is hereby ORDERED, that Plaintiff's time to serve the Summons with Notice on Defendants shall be and hereby is extended 120 days from February 11, 2013 to June 11, 2013.

ENTER:


JEFFREY K. OING
J.S.C.

J.S.C.

Exhibit B-7 to Notice of Removal

At the Ex Parte Motion Support Office of the Supreme Court of the State of New York, New York County, at the Courthouse located at 60 Centre Street, New York, New York, on the ____ day of June, 2013.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----x
VISCOGLIOSI BROTHERS, LLC, : Index No. 653587/2012
: Plaintiff, :
: :
: - against - :
: :
: OLYMPUS CORPORATION, OLYMPUS BIOTECH :
: CORPORATION and JOHN DOES 1-25, :
: :
: Defendants. :
: :
-----x

Plaintiff Viscogliosi Brothers, LLC ("Plaintiff"), having duly made an application to this Court for an Order pursuant to C.P.L.R. § 306-b and § 2004 for an extension of time to serve defendants Olympus Corporation and Olympus Biotech Corporation (together, "Defendants") with the Summons with Notice in the above-captioned action, and Plaintiff's application having been duly submitted to the Court, and

Upon the reading and filing of the Affirmation of Paul H. Schafhauser, attorney for Plaintiff, dated June 6, 2013, and the exhibits annexed thereto, showing good cause for an extension of time pursuant to C.P.L.R. § 306-b and § 2004 to serve Defendants with the Summons with Notice in the above-captioned action, and after due deliberation having been had thereon;

NOW, on the application of Herrick, Feinstein LLP, attorneys for Plaintiff, it is hereby

ORDERED, that Plaintiff's time to serve the Summons with Notice on Defendants shall be and hereby is extended for a period of 120 days (i.e., from June 11, 2013 to October 9, 2013).

ENTER:

J.S.C.

Exhibit B-8 to Notice of Removal

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----x
VISCOGLIOSI BROTHERS, LLC, : Index No. 653587/2012
: Plaintiff, :
: - against - :
: OLYMPUS CORPORATION, OLYMPUS BIOTECH :
: CORPORATION and JOHN DOES 1-25, :
: Defendants. :
: :
-----x

**AFFIRMATION OF
PAUL H. SCHAFHAUSER**

PAUL H. SCHAFHAUSER, an attorney admitted to practice before the Courts of the State of New York, affirms, under the penalties of perjury, as follows:

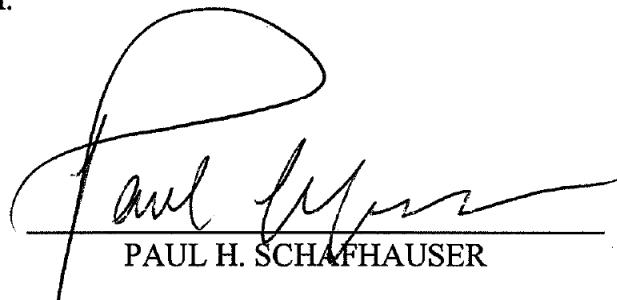
1. I am a member of Herrick, Feinstein LLP, the attorneys for plaintiff Viscogliosi Brothers, LLC ("Plaintiff") in connection with the above-captioned matter. I am fully familiar with the facts and circumstances stated herein.
2. I submit this Affirmation in support of Plaintiff's application for an Order pursuant to C.P.L.R. §306-b and § 2004 extending its time to serve the Summons with Notice in this action upon defendants Olympus Corporation and Olympus Biotech Corporation (together, "Defendants").
3. Plaintiff filed a Summons with Notice with this Court on October 12, 2012. (A true and copy of the Summons with Notice is annexed hereto as Exhibit A.) Pursuant to C.P.L.R. § 306-b, the Summons with Notice must be served within 120 days of filing, unless extended.

4. On February 8, 2013, the Hon. Jeffrey K. Oing, J.S.C. entered an Order extending the time within which Plaintiff could serve the Summons with Notice through June 11, 2013. (A true and correct copy of the February 8, 2013 Order is annexed hereto as Exhibit B.)

5. Plaintiff respectfully requests an extension of the time to serve the Summons with Notice for an additional period of 120 days (*i.e.*, from June 11, 2013 to October 9, 2013), or such other period as the Court deems reasonable and appropriate. Plaintiff had previously sought an extension because Plaintiff had been exploring a possible resolution of this matter, but those efforts having been unavailing to date, service is required. Plaintiff seeks this extension because Plaintiff requires additional time to effect service on Olympus Corporation, a Japanese company, under the complex international service provisions and regulations of the Hague Convention.

WHEREFORE, Plaintiff respectfully requests that the Court extend the time to serve the Summons with Notice on Defendants for a period of 120 days (*i.e.*, from June 11, 2013 to October 9, 2013), or such other period as the Court deems reasonable and appropriate, to allow service to be effected under the Hague Convention.

Dated: New York, New York
June 6, 2013



PAUL H. SCHAFHAUSER

Exhibit B-9 to Notice of Removal

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

VISCOGLIOSI BROTHERS, LLC,

Index No.

Plaintiff,

Date Index No. Purchased:

- against -

OLYMPUS CORPORATION, OLYMPUS BIOTECH
CORPORATION and JOHN DOES 1-25,**SUMMONS WITH
NOTICE**

Defendants.

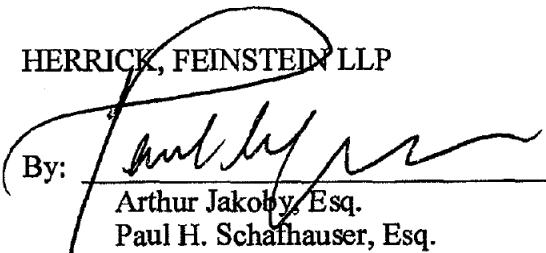
TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to appear in this action by serving a notice of appearance on the plaintiff at the address set forth below, and to do so within twenty (20) days after the service of this Summons (not counting the day of service itself), or within thirty (30) days after service is complete if the summons is not delivered personally to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to answer or appear, a judgment will be entered against you by default for the relief demanded below.

Dated: New York, New York
October 12, 2012

HERRICK, FEINSTEIN LLP

By: 

Arthur Jakoby, Esq.
Paul H. Schafhauser, Esq.
Attorneys for Plaintiff
Two Park Avenue
New York, New York 10016
(212) 592-1400

To: Olympus Corporation
Shinjuku Monolith
3-1 Nishi-Shinjuku 2-Chome
Shinjuku-ku, Tokyo 163-0914
Japan

Olympus Biotech Corporation
35 South Street
Hopkinton, Massachusetts 01748
USA

NOTICE:

The nature of this action is (1) breach of contract; (2) breach of the implied covenant of good faith and fair dealing; (3) fraudulent inducement; (4) fraud, misrepresentation, and fraudulent omission; (5) unlawful conspiracy to defraud; (6) negligent misrepresentation; (7) tortious interference; (8) promissory estoppel and detrimental reliance; (9) unjust enrichment; (10) specific performance; (11) libel, slander, and/or defamation *per se*; (12) libel, slander, and/or defamation; (13) preliminary and permanent injunctive relief; (14) Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961, et seq.; and (15) fees, costs, and expenses.

The relief sought includes compensatory, punitive, and treble damages, specific performance and enforcement of defendants' commitments and agreements to plaintiff, injunctive relief, pre- and post-judgment interest, attorneys' fees, costs of suit, and such other and further relief as this Court may deem just and equitable.

Should defendants fail to appear herein, judgment in plaintiff's favor will be entered by default for compensatory, punitive and treble damages, presently anticipated to total the sum of \$100,000,000.00, with interest from the date of this action and the costs of this action.

VENUE:

Plaintiff designates New York County as the place of trial in this matter. The basis of this designation is plaintiff's residence in New York County.

Exhibit B-10 to Notice of Removal

EXHIBIT B

SUPREME COURT OF THE STATE OF NEW YORK
RECEIVED NYSCFF
NEW YORK COUNTY

PRESENT: **JEFFREY K. OING**
J.S.C.

Justice

PART 48

48

Index Number : 653587/2012
VISCOGLIOSI BROTHERS, LLC
vs.
OLYMPUS CORPORATION
SEQUENCE NUMBER : 001
EXTEND TIME

INDEX NO.

MOTION DATE _____

MOTION SEQ. NO. _____

The following papers, numbered 1 to _____, were read on this motion to/or _____

Notice of Motion/Order to Show Cause — Affidavits — Exhibits _____ No(s). _____

Answering Affidavits — Exhibits _____ No(s). _____

Replying Affidavits _____ No(s). _____

Upon the foregoing papers, it is ordered that this motion is

Order signed hereon.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE
FOR THE FOLLOWING REASON(S):

Dated: 2/8/13

~~JEFFREY K. OING~~ J.S.C.
J.S.C.

1. CHECK ONE: CASE DISPOSED NON-FINAL DISPOSITION
2. CHECK AS APPROPRIATE: MOTION IS: GRANTED DENIED GRANTED IN PART OTHER
3. CHECK IF APPROPRIATE: SETTLE ORDER SUBMIT ORDER
..... DO NOT POST FIDUCIARY APPOINTMENT REFERENCE

At IAS Part 48 of the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse located at 60 Centre Street, New York, New York, on the 8th day of February, 2013.

JEFFREY K. O'ING
J.S.C.

P R E S E N T : _____
Justice

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----x
VISCOGLIOSI BROTHERS, LLC,

Index No. 653587/2012

Plaintiff,

ORDER

- against -

OLYMPUS CORPORATION, OLYMPUS BIOTECH
CORPORATION and JOHN DOES 1-25,

Defendants.

MOTION SEQUENCE # 001

Plaintiff Viscogliosi Brothers, LLC ("Plaintiff"), having duly made an application to this Court for an Order pursuant to C.P.L.R. § 306-b and § 2004 for an extension of time to serve defendants Olympus Corporation and Olympus Biotech Corporation (together, "Defendants") with the Summons with Notice in the above-captioned action, and Plaintiff's application having been duly submitted to the ~~Ex-Parte Clerk~~ ^{Court}, and

Upon the reading and filing of the Affirmation of Paul H. Schafhauser, attorney for Plaintiff, dated February 6, 2013, and the exhibits annexed thereto, showing good cause for an extension of time pursuant to C.P.L.R. § 306-b and § 2004 to serve Defendants with the Summons with Notice in the above-captioned action, and after due deliberation having been had thereon;

NOW, on the application of Herrick, Feinstein LLP, attorneys for Plaintiff, it is hereby ORDERED, that Plaintiff's time to serve the Summons with Notice on Defendants shall be and hereby is extended 120 days from February 11, 2013 to June 11, 2013.

ENTER:



J.S.C.

JEFFREY K. OING
J.S.C.

Exhibit B-11 to Notice of Removal

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

----- x
VISCOGLIOSI BROTHERS, LLC, :
: Index No. 653587/2012
Plaintiff, :
: **AFFIDAVIT OF SERVICE**
- against - :
: OLYMPUS CORPORATION, OLYMPUS
: BIOTECH CORPORATION and JOHN DOES 1-25, :
: Defendants :
----- x

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

JENNIFER PORDES, being duly sworn, deposes and says:

1. I am over 18 years of age, am employed by Herrick, Feinstein LLP, and am not a party to this action.
2. On Friday, June 7, 2013, I served a true and correct copy of a Summons with Notice, dated 10/12/12, and a Notice of Commencement of Action Subject to Mandatory Electronic Filing, dated 6/6/13, in the above captioned matter by hand upon:

Olympus Biotech Corporation
c/o CT Corporation
111 Eighth Avenue, 13th Floor
New York, NY 10011

by delivering and leaving same with an individual, who did not give me her name, at:

CT Corporation
111 Eighth Avenue, 13th Floor
New York, NY 10011

the registered agent for Olympus Biotech Corporation.

3. The individual stated that she is authorized to accept service on behalf of Olympus Biotech Corporation at the above address.

4. She can be described as a female, brown skin, brown hair, approximately 40 years of age, 5'4", and 125 lbs.



JENNIFER PORDES

Sworn to before me this
7th day of June 2013



Laini G. John
Notary Public

LAINI G. JOHN
Notary Public, State of New York
No. 01JO6170630
Qualified in New York County
Commission Expires July 9, 2015

Exhibit B-12 to Notice of Removal

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTYPRESENT: JEFFREY K. OING
J.S.C.
JusticePART 48Index Number : 653587/2012
VISCOGLIOSI BROTHERS, LLC
vs.
OLYMPUS CORPORATION
SEQUENCE NUMBER : 002
EXTEND TIME

INDEX NO. _____

MOTION DATE _____

MOTION SEQ. NO. _____

The following papers, numbered 1 to _____, were read on this motion to/for _____

Notice of Motion/Order to Show Cause — Affidavits — Exhibits _____

| No(s). _____

Answering Affidavits — Exhibits _____

| No(s). _____

Replying Affidavits _____

| No(s). _____

Upon the foregoing papers, it is ordered that this motion is

Order signed herewitn.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE
FOR THE FOLLOWING REASON(S):Dated: 6/10/13J.S.C.
JEFFREY K. OING
J.S.C.

1. CHECK ONE: CASE DISPOSED

2. CHECK AS APPROPRIATE: MOTION IS: GRANTED DENIED GRANTED IN PART OTHER

3. CHECK IF APPROPRIATE: SETTLE ORDER SUBMIT ORDER

DO NOT POST FIDUCIARY APPOINTMENT REFERENCE

NON-FINAL DISPOSITION OTHER

SUBMIT ORDER

At the Ex Parte Motion Support Office of the Supreme Court of the State of New York, New York County, at the Courthouse located at 60 Centre Street, New York, New York, on the 10th day of June, 2013.

MOTIONSEQUENCE # 002

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----x-----
VISCOGLIOSI BROTHERS, LLC, : Index No. 653587/2012

Plaintiff, :
: **ORDER**

- against -

OLYMPUS CORPORATION, OLYMPUS BIOTECH
CORPORATION and JOHN DOES 1-25,

Defendants. :
: -----x-----

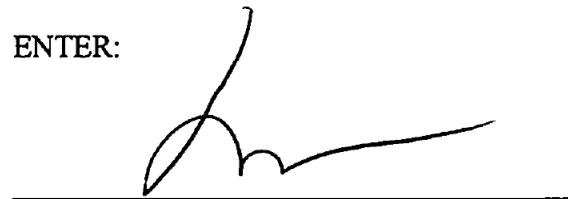
Plaintiff Viscogliosi Brothers, LLC ("Plaintiff"), having duly made an application to this Court for an Order pursuant to C.P.L.R. § 306-b and § 2004 for an extension of time to serve defendants Olympus Corporation and Olympus Biotech Corporation (together, "Defendants") with the Summons with Notice in the above-captioned action, and Plaintiff's application having been duly submitted to the Court, and

Upon the reading and filing of the Affirmation of Paul H. Schafhauser, attorney for Plaintiff, dated June 6, 2013, and the exhibits annexed thereto, showing good cause for an extension of time pursuant to C.P.L.R. § 306-b and § 2004 to serve Defendants with the Summons with Notice in the above-captioned action, and after due deliberation having been had thereon;

NOW, on the application of Herrick, Feinstein LLP, attorneys for Plaintiff, it is hereby

ORDERED, that Plaintiff's time to serve the Summons with Notice on Defendants shall be and hereby is extended for a period of 120 days (i.e., from June 11, 2013 to October 9, 2013).

ENTER:



J.S.C.

JEFFREY K. OING
J.S.C.

docket No. 653587/12
mtg seq. no. 002

Exhibit B-13 to Notice of Removal

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

----- X
VISCOGLIOSI BROTHERS, LLC, : Index No. 653587/2012
: :
: Plaintiff, : STIPULATION TO EXTEND
: : THE TIME FOR
-against- : : DEFENDANT OLYMPUS
OLYMPUS CORPORATION, OLYMPUS BIOTECH : : BIOTECH CORPORATION
CORPORATION and JOHN DOES 1-25, : : TO FILE NOTICE OF
: : APPEARANCE
: Defendants. : :
: :
: :
----- X

WHEREAS, on June 7, 2013, Plaintiff Viscogliosi Brothers ("Plaintiff") served a summons with notice on Olympus Biotech Corporation ("Olympus Biotech") through Olympus Biotech's registered agent CT Corporation System;

WHEREAS, Plaintiff, through its undersigned counsel, agreed that the deadline for Olympus Biotech to file a notice of appearance in this case can be extended to and include July 17, 2013;

This extension is without prejudice to any defenses or affirmative defenses Olympus Biotech may raise in response to any of Plaintiff's claims, any counterclaims Olympus Biotech may assert against Plaintiff, or any grounds on which Olympus Biotech may move to dismiss the case in response to the complaint, when filed and served by Plaintiff.

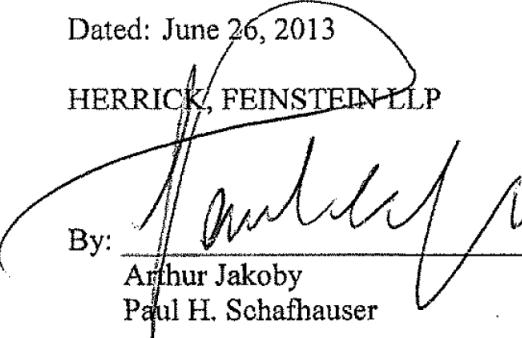
IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff and Olympus Biotech, that:

1. The time for Olympus Biotech to file a notice of appearance is extended to and including July 17, 2013;

2. This stipulation may be signed in counterparts and delivered by facsimile or email.

Dated: June 26, 2013

HERRICK, FEINSTEIN LLP

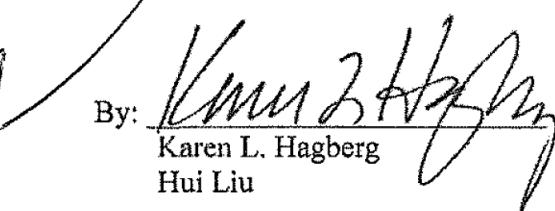
By: 
Arthur Jakoby
Paul H. Schafhauser

One Gateway Center
Newark, NJ 07102
(973) 274-2098

*Counsel for Plaintiff
Viscogliosi Brothers, LLC*

Dated: June 26, 2013

MORRISON & FOERSTER LLP

By: 
Karen L. Hagberg
Hui Liu

1290 Avenue of the Americas
New York, New York 10104
(212) 468-8000

*On Behalf of Defendant Olympus Biotech
Corporation*